

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:93-00196

TERRYONTO MCGRIER

MEMORANDUM OPINION AND ORDER

Pending before the court is a motion for leave to withdraw as counsel for defendant filed by attorney David Schles. See ECF No. 461. In Mr. Schles' opinion, there has been a total breakdown in communication between himself and defendant making productive attorney-client communication impossible. On September 21, 2020, the court denied an earlier motion to withdraw as counsel filed by Mr. Schles.

Based upon the representation of Mr. Schles, the court finds that there had been a total breakdown in the attorney/client relationship such that defendant's ability to conduct an adequate defense had been frustrated. Accordingly, the motion to withdraw as defense counsel is **GRANTED**. Having consulted with the CJA Supervising Attorney, John A. Carr is hereby **APPOINTED** to represent defendant. The revocation hearing is hereby **CONTINUED** to December 9, 2020, at 10:30 a.m., in Charleston.

Also pending before the court is defendant's pro se "motion to recuse counsel." (Doc. No. 460). In that motion, defendant asks that new counsel be appointed and that his revocation hearing be continued. Defendant is represented by

counsel and any motions on his behalf should be filed by his attorney. See United States v. Singleton, 107 F.3d 1091, 1103 (4th Cir. 1997) (upholding discretion of district court to restrict hybrid representation); United States v. Dawkins, Cr. No. 7:10-cr-00241-GRA, 2010 WL 3607480, *1 (D.S.C. Sept. 9, 2010) (disregarding pro se motion that had not been adopted by defendant's counsel as improvidently filed). Based on the foregoing, defendant's pro se motion is **DENIED**.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to counsel of record, Mr. Schles, Mr. Carr, the CJA Supervising Attorney, the United States Marshal for the Southern District of West Virginia, and the Probation Department of this court.

IT IS SO ORDERED this 10th day of November, 2020.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge